

MELINDA L. HAAG, CSBN 132612
 United States Attorney
 LUCILLE GONZALES MEIS, SBN CO 15153
 Regional Chief Counsel, Region IX,
 Social Security Administration
 ELIZABETH FIRER, SBN WI 1034148
 Special Assistant United States Attorney

333 Market Street, Suite 1500
 San Francisco, California 94105
 Telephone: (415) 977-8937
 Facsimile: (415) 744-0134

Attorneys for Defendant

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 OAKLAND DIVISION

NICOLE LOUISE WAGNER,

Plaintiff,

v.

MICHAEL J. ASTRUE,
 Acting Commissioner of
 Social Security,

Defendant.

CIVIL NO. C-10-02413 PJH

STIPULATION AND ~~PROPOSED~~ ORDER
 FOR REMAND UNDER SENTENCE 4 OF
 42 U.S.C. § 405(g)

IT IS HEREBY STIPULATED by the undersigned for the respective parties, subject to the approval of the Court, that this action be remanded to the Defendant, Commissioner of Social Security, pursuant to sentence four of 42 U.S.C. § 405(g) for further proceedings. The purpose of the remand is to offer Plaintiff a de novo decision.

Upon remand, the Office of Disability Adjudication and Review will remand this case to an Administrative Law Judge (ALJ) who will be instructed to conduct the required sequential disability analysis and take the following action:

1. The ALJ will offer Plaintiff the opportunity to participate in another hearing and to submit additional evidence.
2. The parties stipulate that no specific aspect of the ALJ's decision is affirmed.
3. The ALJ must explain what weight he is giving to all of the medical sources and if he rejects

1 the findings of any medical source, he must provide valid reasons for his rejection.

2 4. Following remand proceedings, the ALJ will issue a de novo decision.

3 It is further stipulated that the administrative decision is hereby vacated and that the Clerk of this
4 Court shall be directed to enter a separate judgment herein, as provided for under Rules 58 and 79(a) of
5 the Federal Rules of Civil Procedure, pursuant to Shalala v. Schaefer, 509 U.S. 292, 113 S. Ct. 2625
6 (1993).

7 Dated: December 29, 2010

/s/ David J. Linden
(As authorized via email)
DAVID J. LINDEN
Attorney for Plaintiff

MELINDA L. HAAG
United States Attorney

12 Dated: December 29, 2010

By: /s/ Elizabeth Firer
ELIZABETH FIRER
Special Assistant United States Attorney

16 PURSUANT TO STIPULATION, IT IS SO ORDERED.

19 Dated: 1/10/11

